

# Federal judge blocks strike by Union Pacific railroad workers over lack of pandemic protections

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A federal judge in Nebraska issued a temporary restraining order last week to block a December 28 strike by thousands of Union Pacific Railroad (UP) workers over unsafe conditions, the lack of protective gear and the failure to pay workers who are quarantined due to the COVID-19 pandemic.

A strike by 8,000 members of the Brotherhood of Maintenance of Way Employees (BMWED)—a division of the International Brotherhood of Teamsters—would have quickly disrupted the operations of the second largest railroad in the US, which employs a total of 32,000 workers. The judge’s restriction lasts until January 8 and will be reviewed for extension on January 5.

In granting the strikebreaking order to Union Pacific, US District Court Judge Brian C. Buescher outrageously declared that the “COVID-19 pandemic does not present a ‘hazardous safety or security condition related to the performance of the employee’s duties,’” as the BMWED had charged.

Union officials issued the strike threat as anger among UP and other railway workers reached a breaking point over the corporate indifference to their lives. At least 10 railway workers at different companies have died from COVID-19, the union reported late last month.

In a December 18 statement, the BMWED said, “Hundreds of Union Pacific employees have contracted COVID-19 at work” and “two of our BMWED Union Brothers have died.” Federal law, the union declared, “allowed workers to withdraw from service if dangerous workplace conditions ‘posed an imminent danger of death or serious injury.’” At this point, the union said, “Management is clearly more interested in grinding profits out of us for the shareholders than investing in our safety.”

Among the demands listed were:

- Continuation of pay, which would encourage employees to be tested for contracting the coronavirus since they would not feel compelled to go to work because of fear of losing their earnings.

- Access to testing on the job site and on company time.

- Temperature testing prior to work shifts.

- Contact tracing following an exposure at work.

- Daily access to personal protective equipment such as face masks and hand cleaners, as well as adequate sanitation supplies in group areas and for machines and locomotives.

- Social distancing requirements in public-use areas.

The UP maintenance-of-way employees work on the repairing and replacing of the physical infrastructure of the railroad, which has 31,100 miles of track, and often are fulfilling their duties in inclement conditions while in close quarters. It is physically demanding and dangerous work frequently away from home for extended periods.

Hundreds of workers commented on the BMWED Facebook page. One worker remarked, “all railroads should implement Hazardous duty pay and guarantee pay if quarantined.” He added, “Essential workers have to go to work. They should be compensated and safeguarded in every way and especially financially.”

A UP worker commented about the company

compelling sick and possibly infected workers to remain on the job. “There needs to be a standard for who is removed from service and who is not. One person on my gang came to work sick and not one person besides him got told to get tested or got time off, even when they rode in the same truck together.” UP workers are often traveling together to job sites to repair critical components of the railroad.

Another worker spoke to the safety impact of the longtime company practice of hiring private contractors to replace higher-paid workers and boost profits. “Contractors replacing culverts just took out the power here in town. They even managed to snap off a pole. Union Pacific’s tracks, and corporate has managed to lay off thousands of employees.”

Although the union limited the strike call to UP, railway workers across the industry are facing the same dangerous conditions. The industry has gone through decades of mergers, acquisitions and layoffs, aided and abetted by the unions. This has led to the virtual duopoly of transcontinental freight lines by UP (which merged with Southern Pacific in the 1990s) and the larger BNSF Railway Company (Burlington Northern Santa Fe Corporation), bought by Warren Buffett’s Berkshire Hathaway in 2009. BNSF employs 41,000 workers and owns more than 8,000 locomotives and 32,000 miles of track in 28 US states.

A BNSF worker commented on the BMWED Facebook page in regard to the inadequate screening and pay for those who fall ill with COVID-19: “At BNSF we only get 4 days paid, so no one here will say anything if they are sick, so who want[s] to go home for 14 days and only get paid for 4. Also, the Montana Rail Link employees get a \$1000 for being essential. Here at BNSF we get nothing, no extra pay of any type.”

Union Pacific has rejected workers’ demands out of hand, claiming in a statement, “We implemented a robust pandemic response to ensure that our employees remain safe and are compensated if required to be off of work because of a work-related exposure to the virus.”

In 2019, UP had \$21.7 billion in revenue from transporting freight like coal, industrial, chemical or agricultural products. BNSF had \$22.3 billion in revenue. This was nearly twice as much as smaller competitors CSX, Canadian National and Norfolk Southern.

Under the whip of Wall Street, railroads slashed jobs at a record pace prior to the pandemic, with more than 20,000 rail workers losing their jobs in 2019, or a nearly 10 percent decline in rail employment. The industry,

which once employed more than a million Americans, fell below 200,000 employees in 2019, the first time that has happened since the Labor Department started keeping track of railroad employment in the 1940s, according to the *Washington Post*. The job bloodletting was accelerated by new technology and a new method of directing rail traffic known as Precision Scheduled Railroading, or PSR.

As the WSWS wrote in February 2019: “The central focus of PSR is to ‘sweat the assets’ of a railroad, by reducing the headcount, idling locomotives and equipment, closing shops and facilities, reducing maintenance, curtailing service, and selling off routes. The stock market joyfully responds to every cutback, pumping the stock price up in the short term, while the physical infrastructure decays, morale sours, and customers are chased away.”

The job cuts are not due to any reduction in rail traffic or profits. Data from the Association of American Railroads from the week ending December 19 shows year-over-year growth of total traffic up 2.5 percent, and total intermodal traffic up 10.3 percent over the same period, with the latter figure based on an increase of imports into the US.

The upward trend is expected to continue into next year as UP and other railroads continue to cut costs through increased train length, speed, and workforce productivity, in other words, the greater exploitation of the workers without consideration for safety measures to boost profits.

In addition, the railroads want to eliminate the 40-hour workweek and 8-hour workday along with premium pay for work beyond standard hours. The eight-hour day was won by railroad workers in 1916 after threatening to launch a strike, which would have crippled war production.

The WSWS and Socialist Equality Party (US) urge railroad workers across the US and North America to form rank-and-file safety committees, independent of the unions, to unite with other transportation, logistics and manufacturing workers, along with teachers and health care workers, to protect their lives and the lives of their families against the pandemic profiteers.



To contact the WSWS and the Socialist Equality Party visit:

**[wsws.org/contact](https://wsws.org/contact)**